

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

NORRIS JONES, et. al,)	
)	
Plaintiffs,)	
)	1:08-cv-1128- SEB-TAB
vs.)	
)	
INDY 104, LLC, et. al,)	
)	
Defendants.)	

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION
AND DENYING DEFENDANT'S MOTION TO DISMISS**

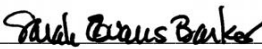
(Docket Nos. 11 & 26)

The Court has reviewed and considered the Magistrate Judge's Report and Recommendation (Docket No. 26) on Defendant's Motion to Dismiss (Docket No. 11). The Court observes that no objections to the Report and Recommendation have been filed.

The Court, having given de novo consideration to the issues presented in Defendant's Motion, pursuant to Title 28 U.S.C. § 636(b)(1)(B) and (C), and being duly advised in the premises, now finds that the Magistrate Judge's Report and Recommendation is well reasoned and supported by the facts, as well as the law. Accordingly, the Court adopts the Magistrate Judge's Report and Recommendation in full and incorporates it by reference herein.

IT IS THEREFORE ORDERED that Defendant's Motion to Dismiss is **DENIED**.

Date: 05/14/2009



SARAH EVANS BARKER, JUDGE
United States District Court
Southern District of Indiana

Copies to:

Peter H. Rosenthal
LAW OFFICE OF PETER H. ROSENTHAL
atyrosenthal@aol.com

Mark Richard Waterfill
DANN PECAR NEWMAN & KLEIMAN
mwaterfill@dannpecar.com